Supreme Court, U.S.
FILED

05-923 JAN 18 2006

No. _____ OFFICE OF THE CLERK

In the
Supreme Court of the United States

Joe Ed Bunton
Petitioner,
v.
Bascom W. Bentley III
Respondent.

On Petition for A Writ of Certiorari
to the Supreme Court of Texas

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether state courts can resolve federal constitutional deficiencies by judicial action (interpretation or jury charges) or is legislative action required?

2. Whether a public official plaintiff has the burden to prove falsity by a preponderance of the evidence or clear and convincing evidence?

3. Whether the amount of compensatory and punitive damages may require particular scrutiny or limitation under the First and Fourteenth Amendment?

4. Whether the actual malice finding is consistent with this Court's prior decision?

LIST OF PARTIES

The caption of the case contains the names of all the parties

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PETITION FOR WRIT OF CERTIORARI

Joe Ed Bunton respectfully petitions this court for a writ of Certiorari to review the judgment of the Supreme Court of Texas in Bunton v. Bentley No. 05-0441, Bunton v. Bentley, No.03-0974 and Bentley v. Bunton No. 00-0139. Twice, the Supreme Court of Texas remanded this case back to the Texas Twelfth Court of Appeals.

OPINIONS BELOW

The opinion on second remand of the Texas Twelfth Court of Appeals is reported at No. 12-97-00376-CV, 2005.TX.0002152 (Tex.App. Dist.12, March 23, 2005) (VersusLaw), and is reprinted at App. 1a-5a. The October 21, 1995, order of the Supreme Court of Texas denying motion for rehearing is unpublished and is reproduced at App.6a. On October 25, 2005, the Supreme Court of Texas issued a Final Order, which is unpublished and is reproduced at App.7a.

The Per Curiam opinion of the Supreme Court of Texas is reported at No. 03-0974, 2004.TX.0009353 (Tex. December 17, 2004)(VersusLaw), and is reprinted at App. 8a-15a . The opinion on the first remand of the Texas Twelfth Court of Appeals is reported at No. 12-97-00376-CV, 2003.TX.0006159 (Tex.App. Dist.12 August 7, 2003)(VersusLaw), and is reprinted at App. 16a-23a

The opinion of the Supreme Court of Texas in Bentley v. Bunton is reported at No 00-0139, 2002.TX.0005488 (Tex. August 29, 2002) (VersusLaw), and is reprinted at App. 24a-165a . The opinion of the Texas Twelfth Court of Appeals is reported at No. 12-97-00376-CV, 1999.TX.0048575 (Tex.App. Dist.12 October 22, 1999) (VersusLaw), and is reprinted at App. 166a-193a .

The trial court's final judgement order is unpublished and is reproduced at App. 229a-231a.